

State, Feudal, and Private Economy in Byzantium

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More than twenty years ago Ihor Ševčenko published “Two Varieties of Historical Writing,”¹ an article in which he introduced as heroes two contrasting forms of the same species—the caterpillar and the butterfly, standing for the technician and the vivid historian, respectively. Although he concluded that “it takes all kinds of workers to elucidate the past,” his preference was for the “unsung” caterpillar, the modest provider of factual knowledge, whose achievements require skill and enjoy durability. The problem so brilliantly (“vividly,” I would say) treated by Ševčenko was not new in 1969. Nor was it exhausted by his article; sparing the reader dry bibliography I will refer back only to Hans-Georg Beck’s paper “Byzantinistik heute” read at the International Congress of Byzantine Studies in Athens in 1976 and published the following year.² Beck, fully aware that he was in the minority, expressed strong doubts that caterpillar-like diligence alone can bring us closer to an understanding of the past.

But are we correct in emphasizing the *conflict* between facts without theory and a theory of civilization without facts, as Ševčenko put it, or between analysis and generalization, as I prefer to call it, avoiding rhetorical figures of speech? Why not discard the mutual distrust and accept the fact believer and the theory believer as two complementary and necessary contributors to the development of historical knowledge? Without broad (and sometimes erroneous) theoretical contemplations, we are powerless to establish the terms and concepts that are indispensable for the historian unless he is willing to be satisfied with describing and renarrating sources. Like it or not, the theory of history prepares the system of coordinates, the general network, within which the facts, discovered by the caterpillar’s hard labor, can and must be set up.

This paper will deal with scholarly terms and concepts that are distinct from the terms and concepts originating in sources: the source concepts are scooped from, the scholarly ones imposed upon, reality. There are rigorists (I guess mostly among caterpillars) who deny the applicability of scholarly terms such as “social class” or “feudalism” to Byzantine reality, since they are not given to us in or by sources. I have no desire to polemicize against this consistent self-restriction; even the purest *Quellenkunde* cannot do without modern terms—archaeology and sigillography themselves are conventional scholarly designations not found in sources. Scholarly concepts have a substantial ad-

¹I. Ševčenko, “Two Varieties of Historical Writing,” *History and Theory* 8 (Middletown, Conn., 1969), 332–45, reprinted in his *Ideology, Letters and Culture in the Byzantine World* (London, 1982), pt. I.

²H.-G. Beck, *Byzantinistik heute* (Berlin-New York, 1977), 7–9.

vantage over source terms: Byzantine terms are generally loaded with multiple meanings—thus the *pronoia* had a broad range of senses, from Providence to administration to the quasi-feudal right over a country population.³ The modern terms, if agreed upon, could bear a narrow and precise meaning, and if today we rarely reach accord, it is the fault of our own inflexibility not the material.

Thus I will deal in this paper with three concepts imposed upon Byzantium and linked—artificially or not, the evaluation depends on individual taste—to certain phenomena described in available sources. Furthermore, the concepts I will address are usually considered conflicting since each is regularly attached to three different kinds of society; accordingly, if we grant Byzantium one of these concepts we are inclined to reject the other two as inappropriate or contradictory. The three concepts are private, feudal, and state ownership and the forms of social organization on which they are based.

Private property is our pet, our favorite; we stake an almost exceptional claim on it. Besides modern Western society only the Roman world seems to have obtained it, and Roman jurists are credited with the formulation of its principles. Byzantium is said to have inherited private property from the Romans, being an uninterrupted continuation of the Roman Empire and having assumed Roman law and Roman legal textbooks.⁴

Feudal property is seen as the predecessor of Western private property. It is usually accepted that feudal property was countermanded, “negated,” and replaced by private property and that its existence was limited in time and space. It used to be fashionable to discover feudalism everywhere, in ancient Egypt and in Homeric Greece, for example;⁵ the trend dissipated, and besides Japan, contemporary Western scholars usually acknowledge feudal relations only in Western Europe, or even only in some parts of it.⁶ Byzantine feudalism was theorized by a few scholars, including Georgii Ostrogorsky,⁷

³On the *pronoia* see below, notes 36 and 37.

⁴Michail Sjuzumov emphatically stressed that the full private ownership of land on the Byzantine territory preceded the formation of the Byzantine Empire, and it was so strongly rooted there that the Slavic invasion has not destroyed this institution (“K voprosu ob osobennostjach genezisa i razvitija feodalizma v Vizantii,” *VizVrem* 17 [1960], 4 f); P. Lemerle (*The Agrarian History of Byzantium* [Galway, 1979], 57) also asserts that the small or middle-sized free property survived the fall of the Roman Empire, and so did the great property. What matters in this connection is the use of such epithets as “full” and “free” for the characterization of Byzantine property or ownership.

⁵In the recently published collection of articles under the title *Feudalism: Comparative Studies*, ed. E. Leach, S. N. Mukherjee, and J. Ward (Sydney, 1985), the authors characteristically vacillate between the concept that feudalism was a myth and an attempt to identify it as a “hydraulic society” that existed in Asia and had considerable parallels with the Western Middle Ages.

⁶On Japanese feudalism see P. Anderson, *Lineages of the Absolutist State* (London, 1979), 435–61. H. Wunder (“Feudalismus” in *Lexikon des Mittelalters* IV [Munich-Zurich, 1989], 413) assumes that besides medieval Western Europe, only Japan, the Muslim states, and Russia might be considered as having had a feudal “Verfassungssystem.” The literature on the concept of feudalism is innumerable, but it is typical of the contemporary critical perception of it that the encyclopedia *La nouvelle histoire* (Paris, 1978), issued under the direction of J. Le Goff, not only omits an entry on feudalism but avoids this term even where it might be appropriate.

⁷Three works by Ostrogorsky are esp. relevant for this topic: *Pour l'histoire de la féodalité byzantine* (Brussels, 1954); *Quelques problèmes d'histoire de la paysannerie byzantine* (Brussels, 1956); and “Pour l'histoire de l'immunité à Byzance,” *Byzantion* 28 (1958), 165–254.

but his concept and his terminology are rejected or neglected by the leading contemporary scholars in the field.⁸

State property is probably the trickiest concept of the three. While private property is a "positive" category, the source of all economic virtue, state property has negative connotations: it is alien in our world; it is Oriental and totalitarian. It was developed in the countries of the Fertile Crescent, inherited by Persia, and dominated China through its ancient and medieval periods. Byzantium that lived in accordance with Roman law had no room for state property.⁹

Despite many deviations, this pattern is commonly accepted by Western Byzantine scholarship. Marxist theory of history, with its idea of inevitable social and economic formations, differs from this insofar as it introduces feudalism as an indispensable stage of historical development: feudal property must have existed in every medieval country, including Byzantium. As far as ancient property is concerned, the Marxist interpretation is confused: not only private (Roman) and state (Oriental) property occur within one and the same "slaveholder" formation, the private property of antiquity must have been different from modern ("capitalist") private property, although the principle of this distinction remains unclear.¹⁰ But fortunately, antiquity is beyond the scope of this paper.

Thus, if we summarize this brief survey we may assert the following: the concept of Byzantine state property is considered inapplicable unless we take into consideration those (*moi y compris*) whose voices sound in vain in a scholarly desert; private and feudal elements are perceived as excluding each other so that some scholars accept private property as the predominant form throughout the entire Byzantine period of the Eastern Roman Empire, whereas others characterize Byzantium as a feudal country; if there

⁸P. Lemerle (*The Agrarian History* [as in note 4], 89 note 1) warns "against the improper and quasi-mythical use that most of these studies make of the term 'feudal,'" and later on (p. 201 f), in a sentence clumsily translated from the French, he denies "the appearance of some form of real *feudalism*" even in Komnenian Byzantium.

⁹The most consistent denial of the state ownership of land in Byzantium one can find is in G. Litavrin, "Problema gosudarstvennoj sobstvennosti v Vizantii X-XI vv.," *VizVrem* 35 (1973), 51–74, and M. Ja. Sjuzjumov, "Suverenitet, nalog i zemel'naja renta v Vizantii," *Antičnaja drevnost' i srednie veka* 9 (Sverdlovsk, 1973), 57–65. On the continuation of discussion, see G. Litavrin, *Vizantijskoe obščestvo i gosudarstvo v X-XI vv.* (Moscow, 1977), 23–28, and "Le problème de la propriété d'Etat en Byzance aux Xe-XIe siècles," *Byzantiaka* 9 (1989), 9–46. Western scholars, with rare exception, ignore this problem: G. Platon (*Observations sur le droit de protimesis en droit byzantin* [Paris, 1906, 87 f) and J. Danstrup ("The State and Landed Property in Byzantium to c.1250," *ClMed* 8 [1964], 221–62) acknowledged the existence of the state supreme ownership of the land of the empire. Their arguments were not convincing, and they cannot outweigh the peremptory negation of the state *dominium directum* by such an authority as H.-G. Beck (*Res publica Romana: Vom Staatsdenken der Byzantiner* [Munich, 1970], 38 f). We should not forget, however, that it was F. Dölger who postulated, although in passing, the "Oberherrschaft des Kaisers über allen Grundbesitz" (note on D. A. Zakythenos, *BZ* 45 [1952], 194).

¹⁰E. M. Štaerman (*Krizis rabovladel'českogo stroja v zapadnykh provincijach Rimskoj imperii* [Moscow, 1957], 26–48) defines the "private ancient slaveholder ownership" as the leading form of ownership in the Roman Empire, side by side with which, however, other forms (village community, imperial domains) existed. The private ancient property presupposed simple cooperation, division of labor, and involvement in a market economy; what distinguished it from the capitalist system was "the absolute power of the lord" over the slave—a factor, I must add, that lay beyond the lord's relation to the land, beyond the sphere of the law of things.

is a distinction within the latter group it is chronological—it remains to determine only when—in the fourth century, in the eleventh, or sometime in between—feudal relations began in Byzantium. If these two forms are thought of as coinciding they appear in conflict—thus for Michail Sjuzumov Byzantine history unfolds as a perennial struggle between the urban private property and the feudal landownership.¹¹

On the contrary, I would like to demonstrate: first, that all three forms of property and of related economic, social, and legal interconnections did exist in Byzantium; and second, they did not exist in a sequential manner, so that, say, feudal relations came to replace the ones based on private property; and finally, while coinciding they supplemented rather than conflicted with each other.

The concept of social and economic “privacy” was broadly spread in Byzantium. The Byzantines created their wealth individually or by family and familylike groups. Their fields, vineyards, and gardens, encircled by fences and ditches, formed fixed parcels or farms and not lots of the common (“open”) possessions—contrary to Russian Byzantinists’ traditional views.¹² Plowing with a two-ox *zeugarion* required less cooperation than with the northern eight-ox team, and flourishing horticulture and viticulture presupposed a substantial part of manual labor with hoes, spades, and knives of all sorts that implied individual work on a large scale.¹³ On the other hand, transhumance that tore shepherds away from their homes and sent men with their flocks and dogs to grazing-grounds that were untilled and free from private property contributed to the development of individualistic behavior: children driving their pigs outside a village would play together, but the adult shepherds stood alone and lonely for weeks on end.

In the town, trade activity was of a small scale: the workshop (*ergasterion*), often linked to the living quarters, was tiny, barely allowing space for two men to work.¹⁴ Guild supervision and state control could have been imposed on these workshops, but the work itself—with rare exceptions such as mining—was performed individually. Boats

¹¹ He formulated the thesis of the struggle between the Hellenistic city and “Merovingian village” already in his “Problemy ikonoborčestva v Vizantii” (*Učenie zapiski Sverdlovskogo gosudarstvennogo pedagogičeskogo instituta* 4 [1948], 66); this struggle developed in the 8th through 10th centuries. In the 12th century, again, the major antagonism was between the merchant milieu of the capital and the feudal circles (“Vnutrennjaja politika Andronika Komnina i razgrom prigorodov Konstantinopolja v 1187 gody,” *VizVrem* 12 [1957], 67 f); the same antagonism formed the background of the political fight in 14th-century Thessaloniki (“K voprosu o karaktere vystuplenija zilotov v 1342–1349 gg.,” *VizVrem* 28 [1968], 29). See also his “Bor’ba za puti razvitija feodal’nych otnošenij v Vizantii” (*Vizantijskie očerki* [Moscow, 1961], 34–63).

¹² The best presentation of this traditional thesis is in E. E. Lipšic, “Vizantijskoe krest’janstvo i slavjanskaja kolonizacija,” *Vizantijskij sbornik* (Moscow-Leningrad, 1945), 117–23. F. Dölger (in a note on Lipšic’s article—*BZ* 43 [1950], 154 f) and P. Lemerle (*The Agrarian History*, 41–46) express doubts concerning the collective aspect of the village organization in the Farmer’s Law. M. Kaplan, *Les hommes et la terre à Byzance du VIe au XIe siècle. Propriété et exploitation du sol* (Paris, 1992), devoted a special chapter (p. 185–218) to the village community; he acknowledges communal solidarity but only “marginal importance” of communal economy.

¹³ The history of Byzantine agriculture has not yet been written, even though some preliminary investigations are now available—see, first of all, Kaplan, *Les hommes et la terre* (as in note 12), 25–87, 464–82; A. Harvey, *Economic Expansion in the Byzantine Empire* (Cambridge, 1989), 120–62; and A. Laiou, *Peasant Society in the Late Byzantine Empire* (Princeton, N.J., 1977), 24–33.

¹⁴ On the Byzantine *ergasterion* see A. Stöckle, *Spättrömische und byzantinische Zünfte* (Leipzig, 1911), 71–73, and additional information in N. Oikonomides, “Quelques boutiques de Constantinople au Xe siècle,” *DOP* 26 (1972), 345–56; G. R. Davidson, “A Medieval Glass-Factory at Corinth,” *AJA* 44 (1940), 297–324; J. S. Crawford, *The Byzantine Shops at Sardis* (Cambridge, Mass., 1990).

became smaller than in the Roman Empire, and merchants often traveled and traded individually, even though both they and pilgrims formed temporary and loose caravans (to deter robbers) and Constantinopolitan guilds conducted the purchase of foreign goods.

The decrease in the number of slaves and of their role in the economy practically put an end to the barrack maintenance of manpower well known in Rome; the slaves—when they survived—were minor members of the family or formed their own families that dwelled in separate rooms, as is described in the *vita* of Basil the Younger, among others.¹⁵ Not only in the countryside but in towns as well people lived predominantly in small family houses. Archaeological evidence of the large *insulae* disappeared after the late Roman period, although literary texts still mention them, at least in Constantinople.¹⁶

Byzantine monasteries were small save for some famous centers such as Constantinopolitan Pantokrator or the Great Lavra on Mt. Athos. Moreover, many of these monasteries were divided into familylike communities (*metochia*) of two to three monks managing individual households.¹⁷

Probably the most interesting and the most disputable facet of Byzantine individualism evolved in the sphere of morality and religion. Two questions must be answered first of all in this connection: one, are the principles of behavior as stated in Kekaumenos and Symeon the Theologian really family-oriented and individualistic?,¹⁸ and two, are these principles—if we interpret them as such—the leading trend of Byzantine ethics or did they develop on the outskirts of Byzantine society, representing only a dissident minority? It is well known that Michael Psellos and some other intellectuals propagated a different manner of behavior whose foundation was the cult of *philia*, friendship,¹⁹ and not of physical (Kekaumenos) or spiritual (*pater pneumatikos* and disciple) family that Symeon struggled for. But who was more exceptional—the Plato-lover Psellos or Kekaumenos, the embodiment of Byzantine common sense?

The problem of salvation was the focal point of Byzantine theology, and all major theological discussions revolved around it. Although both the Byzantine and Western theory of salvation derive from the same biblical legacy, emphasis was placed differently

¹⁵Ch. Angelide, “Δούλοι στὴν Κωνσταντινούπολη τὸν 10^ο αἰ. Ἡ μαρτυρία τοῦ Βίου τοῦ ὁσίου Βασιλείου τοῦ Νέου,” *Symmeikta* 6 (1985), 33–51. The only general survey of Byzantine slavery—A. Hadjinicolaou-Marava, *Recherches sur la vie des esclaves dans le monde byzantin* (Athens, 1950)—is obsolete. Cf. the historiographical essay—H. Köpstein, “Die byzantinische Sklaverei in der Historiographie der letzten 125 Jahre,” *Klio* 43–45 (1965), 560–76.

¹⁶See S. P. Ellis, “The End of the Roman House,” *AJA* 92 (1988), 565–76.

¹⁷On *metochia* see M. Freidenberg, “Monastyrskaja votčina v Vizantii XI–XII vv.,” *Učenyje zapiski Velikoluk-skogo pedinstitutu* 4.2 (1959), 62 f; X. Chvostova, “Vzaimootnošeniia Chilendarskogo monastyria i nekotorych ego metochov v xiv v.” *VizVrem* 18 (1961), 30–53; J. Thomas, *Private Religious Foundations in the Byzantine Empire* (Washington, D.C., 1987), 251. On the size of Byzantine monasteries some data are gathered in R. Janin, “Le monachisme Byzantin au moyen âge,” *REB* 22 (1964), 30 f.

¹⁸A. Kazhdan, “Predvaritel’nye zamečaniia o mirovozzrenii vizantijskogo mistika X–XI vv. Simeona,” *BSI* 28 (1967), 20 f. My thesis was questioned by certain scholars, e.g., G. Litavrin, *Sovety i rasskazy Kekaumena* (Moscow, 1972), 101 f. On the social ethics of Kekaumenos see also P. Magdalino, “Honour among Romaioi: The Framework of Social Values in the World of Digenes Akrites and Kekaumenos,” *BMGS* 13 (1989), 183–218 (without taking into consideration the Kazhdan–Litavrin polemic).

¹⁹F. Tinnefeld, “‘Freundschaft’ in den Briefen des Michael Psellos,” *JÖB* 22 (1973), 151–68; Ja. N. Ljubarskij, *Michail Psell. Ličnost’ i tvorčestvo* (Moscow, 1978), 117–24.

in the two parts of the Christian world: the Western church stressed God's ineffable predestination and the church's institutional administration of salvation ("no salvation outside church"), whereas the Byzantine church put the emphasis on the individual's deeds and thoughts (inseparably linked with God's will through the so-called *synergeia*); the acting force was man himself coupled with his spiritual father rather than the ecclesiastical institution, the means was obedience (humbleness, fear) to God rather than sacraments and it could be rewarded by the individual vision of the divine light.²⁰ I am not saying that the Byzantine church neglected sacraments, but it dealt with them less than its Western counterpart;²¹ and accordingly mysticism in the strict sense of the word, the direct communication with the divine world, had in Byzantium a less heretical tint than in the West. Scholars have spilled much ink arguing that the fourteenth-century hesychasm had a solid patristic background—be that as it may, hesychasm underscored the individual way of salvation,²² as did Symeon the Theologian three centuries earlier.

Within such an "individualistic" society private ownership was a natural phenomenon, a legal and economic principle of existence. Byzantine law stuck to the Roman idea of private ownership, and the *Basilika* preserved the corresponding sections of the Justinianic compilation. However, Byzantine property was far from being a "free" or "absolute" right of things: on the one hand, under the impact of vulgar law and despite the classicizing tendencies of the sixth-century Roman (Constantinopolitan) jurists, the strict distinction between *dominium* or *proprietas* as total mastery over a thing and *possessio* as actual control became blurred in Byzantine documents; the term *despoteia* (*dominium*) could designate the physical enjoyment of the thing, and verbs *katechein* and *despozein*, "possess" and "own," were used synonymously.²³ On the other hand, Roman "free" ownership became limited by various forms of communal or rather neighboring rights. One aspect of these rights is well studied: Byzantine peasants enjoyed the right of pre-emption, *protimesis*,²⁴ of neighboring lands, and bore the obligation to pay taxes on the lands deserted by their neighbors. Less observable and less studied are those rights of neighbors that functioned on a regular basis, without attracting the particular attention of the state legislators. These rights, called customary (*synetheia*, *ethos*) in the texts, opened for neighbors the possibility of entering adjacent allotments for collecting wood and firewood, grazing flocks, using water, fishing, picking up chestnuts, and even treating themselves to grapes.²⁵ The Byzantine village community was a contradictory institution: it was based on private ownership and individual or family labor, but it also was

²⁰ A. Kazhdan, "Das System der Bilder und Metaphern in den Werken Symeons des 'Neuen' Theologen," in *Unser ganzes Leben Christus unserm Gott überantworten*, ed. P. Hauptmann (Göttingen, 1982), 221–39. The literature on Symeon is enormous (see, e.g., B. Krivocheine, *In the Light of Christ. St. Symeon the New Theologian* (Crestwood, N.Y., 1986), but his social stand is usually neglected.

²¹ See, among others, R. Hotz, *Sakramente im Wechselspiel zwischen Ost und West* (Zürich-Cologne, 1979).

²² J. Meyendorff, *Byzantine Hesychasm: Historical, Theological, and Social Problems* (London, 1974); M. Paparozzi, *La spiritualità dell'Oriente cristiano: L'esicismo* (Rome, 1981); G. Podskalsky, "Zur Gestalt und Geschichte des Hesychasmus," *OKS* 16 (1967), 15–32.

²³ A. Kazhdan, "Do we Need a New History of Byzantine Law?" *JÖB* 39 (1989), 19–21.

²⁴ G. Ostrogorsky, "The Peasant's Pre-emption Right," *JRS* 37 (1947), 117–26; Ju.Ja. Vin, "Pravo predpočtenija v pozdnevizantijskoj derevne," *VizVrem* 45 (1984), 218–29.

²⁵ Besides my article cited in note 23, see H. Antonidis-Bibicou, A. Guillou, "Vizantijskaja i postvizantijskaja obščina," *VizVrem* 49 (1988), 24–30; D. Górecki, "A Farmer Community in the Byzantine Middle

a conglomerate of neighbors who had customary claims to adjacent lands, who acted as a united group against outsiders, and who had their agents, their local administration.²⁶

How did this system of small, independent, private households function? The production of these households, both of peasants and of craftsmen, or at least a substantial part of it, came to the market and was either sold for money or exchanged for other commodities; even a portion of salary could be given in kind (grain, fodder, clothes, and so on).²⁷ Small-scale markets were held regularly, as was the trade of bakers or grocers in larger cities; irregular markets, or fairs, had an indicative name of “festival” (*panegyris*) and were restricted by time, space, and event, such as special *panegyreis* arranged for foreign armies on their move across Byzantine territory.²⁸ There are substantial data, primarily numismatical, that allow one to hypothesize that from the seventh through the ninth century the number of coins struck, and accordingly the amount of money in circulation, decreased, even though Byzantium had never been a country with a predominantly barter economy. The money economy regenerated rapidly in the eleventh and twelfth centuries,²⁹ which mainly accounted for the shortage of precious metal and drastic inflation in the second half of the eleventh century.

Certainly, the contracts of sale, exchange, and rent always existed in Byzantium, and it is probably incidental (albeit strange) that the Farmer’s Law, the collection of country rules issued, most probably, in the seventh century, did not mention the sale of land.³⁰ What seems, however, momentous is the Byzantine jurists’ neglect of the sophisticated forms of contract developed in Roman law; the comparison of the eleventh-century collection of legal cases, the *Peira* of Eustathios Rhomaïos, with the *Basilika* that consistently relied upon Justinianic law, showed that complicated legal issues, such as mandate, usufruct, obligations, sea trade, and so forth came rarely within the field of interest of the eleventh-century judge.³¹ Economic and legal relations became simplified as the

Ages: Historiography and Legal Analysis of Sources,” *ByzSt* 9 (1982), 169–98; H. Köpstein, “Zur byzantinischen Dorfgemeinde des 7./8. Jahrhunderts,” *Les communautés rurales*, 6ème partie, *Europe Orientale* (Paris, 1986), 77–86, to quote a few.

²⁶Ju. Ja. Vin. “Evolucija organov samoupravljenija sel’skoj obščiny i formirovanie votčinnoj administracii v pozdnej Vizantii,” *VizVrem* 43 (1982), 201–18.

²⁷The major monograph on Byzantine economy is M. F. Hendy, *Studies in the Byzantine Monetary Economy* (Cambridge, 1985), cf. also A. Kazhdan, “Iz ekonomičeskoj žizni Vizantii XI–XII vv.,” *Vizantijskie očerki* (Moscow, 1971), 169–212, and the review by G. Weiss, *Byzantina* 6 (1974), 474–77.

²⁸See, for instance, *Anna Comnène, Alexiade*, ed. B. Leib and P. Gautier, 3 vols. and Index (Paris, 1937–76), II, 209.8, 226.21; the standard formula δαψιλεῖς πανηγύρεις is translated “larges approvisionnements” in the first case and “abondant ravitaillement” in the second. It escapes my understanding why πανηγύρεις (in II, 107.24) is translated “des recrues des provinces voisines.” On panegyris see A. Laiou, “Händler und Kaufleute auf dem Jahrmarkt,” in *Fest und Alltag in Byzanz* (Munich, 1990), 53–70.

²⁹M. Hendy, “Byzantium, 1081–1204: An Economic Reappraisal,” *Transactions of the Royal Historical Society*, 5th series, 20 (1970), 31–52, cf. C. Morrisson, “La dévaluation de la monnaie byzantine au XIe siècle,” *TM* 6 (1976), 3–47, and esp. Harvey, *Economic Expansion* (as in note 13), 108–19.

³⁰The new edition of the Farmer’s Law was issued under the direction of I. P. Medvedev—*Vizantijskij zemledel’českij zakon* (Leningrad, 1984). Besides the works of P. Lemerle and E. Lipšic cited in notes 4 and 12 respectively, various articles could be named, e.g., H. Köpstein, “O processe social’noj differenciacii po Zemledel’českomu zakonu,” *VizVrem* 38 (1977), 3–8; J. Karayannopoulos, “Entstehung und Bedeutung des Nomos Georgikos,” *BZ* 51 (1958), 357–73. See also J. F. Haldon, “Some Considerations on Byzantine Society and Economy in the Seventh Century,” *ByzF* 10 (1985), 75–112.

³¹Kazhdan, “Do we Need a New History” (as in note 23), 8 f. For a general characterization of the *Peira* see in N. Oikonomides, “The ‘Peira’ of Eustathios Rhomaïos,” *Fontes minores* 7 (Frankfurt, 1986), 169–92.

market relations grew poorer and looser (without, however, being extinguished during any period of Byzantine history), and even in the eleventh century they did not reach the level reflected in the classic Roman law.

The study of feudal phenomena in Byzantium has been obscured by many causes. First of all, if we agree to limit feudalism to the hierarchical structure of the ruling class, Byzantium unquestionably remains beyond the feudal system; the Byzantines were baffled by the hierarchical structure of the Crusaders' armies, and on the other hand, Western observers emphasized nonhierarchical composition of Byzantine society.³² Byzantium created some forms of hierarchy, but those that remind us of Western institutions (e.g., private *hetaireiai*) are underdeveloped,³³ and those which appear flourishing belong to the worlds of court and bureaucracy (i.e., to nonfeudal relationship).³⁴

But feudalism is a conventional, scholarly concept, and we may agree to use it in a broader sense related to social and economic (and not only political) spheres of human connections. With this suggestion in mind, let us investigate two Byzantine institutions, cardinal for any medieval society—ownership and rent: can we discover any feudal features in these institutions?

The feudal or quasi-feudal features of Byzantine land property have never entered Byzantine legal textbooks, and accordingly they have never attracted the attention of legal historians. They were studied by historians from economic, social, and administrative viewpoints. Byzantine quasi-feudal (let us cautiously apply such a term) property had three major aspects. The first, relations of the state and the "owner," was especially popular with scholars who emphasized the temporary, conditional, and often incorporal character of property bestowed by the state on an individual (a warrior or a functionary) or on an ecclesiastical institution. Hélène Ahrweiler called this type of property "conditional donations."³⁵ Many scholars dealt with a specific form of conditional donation, the so-called *pronoia*, and they suggested two different, we may even say contrasting, interpretations. On the one hand, the *pronoia* was construed as a regular land fief (the term used, among others, by Ostrogorsky); in principle it amounted to its Western counterpart, and like the latter was gradually transformed into the full-fledged estate (*gonikon*) that could be transmitted to descendants *à titre héréditaire*.³⁶ On the other hand,

³² Especially striking examples are the observation of Kinnamos (Bonn ed. [1836], 68.20–69.3) and Frederick Barbarossa's derision of the Byzantine envoys as described by Niketas Choniates (*Historia*, ed. J. L. van Dieten [Berlin-New York, 1975], 410.61–72). On the views of these historians see C. Asdracha, "L'image de l'homme occidental à Byzance: La témoignage de Kinnamos et de Choniates," *BSI* 44 (1983), 31–40; A. Kazhdan and G. Constable, *People and Power in Byzantium* (Washington, 1982), 24 f.

³³ G. Weiss, *Joannes Kantakuzenos—Aristokrat, Staatsmann, Kaiser und Mönch—in der Gesellschaftsentwicklung von Byzanz im 14. Jahrhundert* (Wiesbaden, 1969), 23–53; H.-G. Beck, "Byzantinische Gefolgschaftswesen," *SBM* Münch (1965), reprinted in his *Ideen und Realitäten in Byzanz* (London, 1972), pt. XI; J.-C. Cheynet, *Pouvoir et contestations à Byzance (963–1210)* (Paris, 1990), 287–301.

³⁴ On the Byzantine bureaucratic hierarchy see N. Oikonomides, *Les listes de préséance byzantines des IXe et Xe siècles* (Paris, 1972).

³⁵ H. Ahrweiler, "La concession des droits incorporels. Donations conditionnelles," *Actes du XII Congrès international des études byzantines*, II (Belgrade, 1964), 103–14, reprinted in her *Etudes sur les structures administratives et sociales de Byzance* (London, 1971), pt. I.

³⁶ The idea of the *pronoia*-fief was developed by F. Uspenskij, "Značenie vizantijskoj i južnoslavjanskoj pronii," *Sbornik statej po slavjanovedeniju, sostavlennyj i izdannyy učenicami V. I. Lamanskogo* (St. Petersburg, 1883), 1–32. G. Ostrogorsky presented this thesis in a much more elegant and accurate form, on a broader

pronoia was conceived as the donation of rent rather than land.³⁷ The hotly debated question of whether or not the *pronoia* had an exclusively military character has no relevance to our topic.

Whichever interpretation we accept, the *pronoia* was different from Roman *dominium*, from “free” private ownership. It presupposed a cooperation between the state and the bearer of the *pronoia* right, neither of which obtained the full mastery of the thing; the more so that the *pronoia* was extended to incorporeal objects and the “owner” of *pronoia* wielded judicial and administrative rights over the population under his dominion.³⁸

Even more complex is another quasi-feudal institution—the so-called *charistikion*.³⁹ It originated from donations or concessions of monastic estates to predominantly, although not exclusively, lay persons. The donations were exercised by the emperor or patriarch as supreme state or church authorities and created, under the sway of supreme power, “divided” or “split” ownership in which the rights of the *charistikarios* and of the monastery were defined by a special document. Thus the *charistikion* appears as a three-tier ownership with different roles of each “level.”

The third aspect of Byzantine quasi-feudal property is the lord-tenant relationship, the replacement of the Roman ownership by medieval tenure. Unlike the *pronoia* and *charistikion*, this aspect has been rarely studied as the emphasis has been on the social status of the *paroikos*-tenant and not on the legal status of his allotment. The feudal (or quasi-feudal) character of the lord-tenant relationship, so far as they are known from late Byzantine documents, is revealed first and foremost in two important phenomena—the rent and the price of land. Both phenomena are hard to study because of scanty sources and the dearth of information available. The *praktika* (tax records) and purchase deeds indicate the precise sum of money paid but describe the object of taxation and of sale in a very vague form. Nevertheless, some conclusions may be drawn.

In the first place, the Byzantine peasant paid his rent in the same three forms that existed throughout medieval Western Europe: in coin, in kind, and in the form of corvée.⁴⁰ We have no sufficient data to establish the relation between these three types of

source basis, in his Serbian book *Pronija* (Belgrade, 1951), translated into French in *Pour l'histoire de la féodalité byzantine* (as in note 7), 1–257.

³⁷A. Hohlweg, “Zur Frage der Pronoia in Byzanz,” *BZ* 60 (1967), 288–308, see also D. Jacoby, “Les archontes grecs et la féodalité en Morée franque,” *TM* 2 (1967), 432–45. Ostrogorsky defended his concept against Hohlweg and Jacoby—“Die Pronoia unter den Komnenen,” *ZRVI* 12 (1970), 41–54, and he was supported by A. Carile, “Sulla pronoia nel Peloponneso bizantino anteriormente alla conquista latina,” *ZRVI* 16 (1975), 55–61, and under the same title in *Studi Urbinati* 46 (1972), 327–35. X. Chvostova, in the article “Pronija: sozial'no-ekonomičeskie i pravovye problemy” (*VizVrem* 49 [1988], 13–23), does not mention the articles by Hohlweg and Jacoby and avoids discussion of problems they raised.

³⁸The most evocative case is the decision of *lizios* and *kaballarios* Syrgaris (Sir Harris?) to send a certain legal case “to the householders of his *pronoia*” (F. Miklosich and J. Müller, *Acta et diplomata graeca medii aevi sacra et profana*, 6 vols. [Vienna, 1860–90], IV, 81.19–22), that we know from a document of 1251.

³⁹J. Ph. Thomas, “A Byzantine Ecclesiastical Reform Movement,” *MedHum* 12 (1984), 1–16; S. A. Barnalides, “Ο θεσμός της χαριστικής (δωρεάς) τών μοναστηριών εις τοὺς Βυζαντινοὺς (Thessalonike, 1985).

⁴⁰Ostrogorsky, *Pour l'histoire de la féodalité* (as in note 7), 356–68. On the Byzantine rent see also Laiou, *Peasant Society* (as in note 13), 215–22.

rent, even though we may surmise that money payment covered the major part of the rent. We know, however, that in many areas of Western Europe of the thirteenth to fifteenth century payment in coin was also predominant. It is more difficult to investigate the principle upon which the rent (or taxation) of the Byzantine peasant relied. In the historiography there are two different approaches to this problem: according to the traditional opinion, the Byzantine tax (or rent) was assessed on the basis of strict accounting so that all the elements of the household were taken into consideration—fields, vineyards, cattle and flock, fishing boats, plow teams, and the number of family members.⁴¹ The other view is that the *telos* or *teloumenon*, the main household payment, was imposed to some extent arbitrarily,⁴² as the tax or rent assessed upon the village community was distributed among its members. Without recasting the whole problem, I would like to dwell on two key points. One, we can observe a strange vasillation of the individual *teloumenon*; even within the same village the same amount of money was levied from households of different wealth, so that sometimes the poorer household was required to pay a larger percentage than its richer neighbors.⁴³ Two, in different villages different items of taxation appeared as the main denominator of the *teloumenon*—we cannot discover a general issue forming the foundation of the *telos* even throughout southern Macedonia, from which the *praktika* are relatively numerous.⁴⁴

In the second place, the price of land depended not only on the size of the allotment. The obvious fluctuation in prices might have been explained by two factors: on the one hand, supply and demand for land could introduce “correction” in the average price; on the other hand, documents neglect to indicate the quality of the purchased land even though we know that the Byzantines, at least in theory, had the idea of “three qualities” of the arable field.⁴⁵ It remains enigmatic why the notaries who compiled records and purchase deeds ignored such an important point and did not mention which of the “three qualities” defined the land in question—but we can disregard this riddle since we possess a document that shows us in detail how the Byzantine price of land could be determined.

The charter of 1271 from Thessaly records the transfer of a *stasis* (household) by a certain Michael Archontizes and his family to “the most noble Komnenos Angelos kyr-

⁴¹N. Svoronos, “Recherches sur le cadastre byzantin et la fiscalité aux XIe et XIIe siècles: Le cadastre de Thèbes,” *BCH* 83 (1959), 129–41, reprinted in his *Etudes sur l'organisation intérieure, la société et l'économie de l'Empire byzantin* (London, 1973), pt. III; J. Lefort, “Fiscalité médiévale et informatique,” *RH* 252 (1974), 315–52.

⁴²A. Kazhdan, *Agrarnye otnošenija v Vizantii XIII-XIV vv.* (Moscow, 1952), 138–56.

⁴³Already in 1948, G. Ostrogorsky (“Vizantijskie piscovyje knigi,” *BSI* 9 [1948], 257) observed that in certain cases the relation between the property and taxation seemed to be arbitrary. His observation had little if any impact on the scholars who investigated the payments of Byzantine peasants.

⁴⁴X. Chvostova, in her study of Byzantine *praktika*, came to a different conclusion than J. Lefort; she did not find a direct functional connection between the property and the amount of rent, even though she did not deny that the tax or rent of richer peasants was generally higher than that of the poorer neighbors. Her first calculations were published as far back as 1961—“Nekotorye voprosy feodal'noj renty po materialam Ivrskich praktikov,” *Vizantijskie očerki* (Moscow, 1961), 241–78. See now her book *Količestvennyj podchod v srednevekovoj social'noekonomičeskoj istorii* (Moscow, 1980), 120–48, with a critical analysis of Lefort's methodology.

⁴⁵E. Schilbach, *Byzantinische Metrologie* (Munich, 1970), 249 f.

Nicholas Maliasenos" (i.e., Melissenos) and his spouse who decided to construct a monastery on this land. In this charter, Archontitzes announces that the noble couple might (or, as I prefer to put it, had the legal right to) obtain possession of the allotment "being our lords and masters," since the emperor granted the most noble Komnenos the whole district of Dryanoubaina, but righteous and Christ-loving as they were, the couple preferred to buy the *stasis* and paid Archontitzes, in the presence of the outstanding inhabitants of Dryanoubaina, twelve nomismata.⁴⁶

Thus we can see that the "human factor," or the social position of the agents, exercised an influence on the price of land; we can guess that the same "human factor" has influenced the rate of rent. This human factor stood beyond market economy and belonged to a system of values typical of a feudal society, which was organized more on the principle of personal links than on that of property, let alone market economy; the power of a man was assessed by the number of his vassals rather than acres of his land or pounds of his income.

Quasi-feudal relations as revealed in the form of rent and ownership had put their impact on human connections and values. Even though the Byzantine *paroikos*-tenant was not completely deprived of legal rights and could even appeal for justice to the imperial court, he was not a free man and an equal counteragent of his master.⁴⁷ The master was the judge of his *paroikoi* (at least, he could hold the lower court), their tax collector and administrator; the *paroikoi* were bound to the soil by their birth—the situation reflected in a late Byzantine term *physikoi paroikoi*, "natural settlers."⁴⁸ The status of *paroikia*—in contradiction to the biblical terminology—was conceived of as personal dependence, and the formative factor was the duty to pay rent or taxes to a private person. This principle is illustrated by the chrysobull given by the emperor Alexios I to his brother Adrianos Komnenos in 1084: the emperor transferred to Adrianos the taxes levied from the monks of the Lavra of St. Athanasios by the state, and the monks were apprehensive that it meant their transformation into Adrianos' *paroikoi*, who allegedly owned no land and paid their *demosia* through their lord; they asked the emperor to draw a clear line between them and the *paroikoi*.⁴⁹

On the other hand, quasi-feudal relations contributed to the elaboration of chivalresque ethics that included military ideals (and despisal of eunuchs as the other side of the coin) and personal fidelity;⁵⁰ Byzantine terminology used various words to designate

⁴⁶ Miklosich-Müller, *Acta et diplomata graeca* (as in note 38), IV, 397 f.

⁴⁷ The ambivalence of the status of the Byzantine *paroikos* was demonstrated, among others, by Ostrogorsky, *Quelques problèmes* (as in note 7), 41–74.

⁴⁸ The term *παροικοὶ φυσικοὶ* is employed in the act of donation of 1384/5 given by Nicholas Pagases to the monastery of St. Paul on Mt. Athos (described by S. Binon, *Les origines légendaires et l'histoire de Xéropotamou et de Saint-Paul de l'Athos* [Louvain, 1942], 265–68). I published this text, with some lacunae, on the basis of a copy made by P. I. Sevast'janov—"Dva pozdnevizantijskich akta iz sobranija P.I. Sevast'janova," *VizVrem* 2 (1949), 318.28.

⁴⁹ *Actes de Lavra*, ed. P. Lemerle et al., 4 vols. (Paris, 1970–82), I, no. 46.

⁵⁰ Besides P. Magdalino's article cited in note 18, little was written on the Byzantine perception of chivalresque values. Some works dealing with the Crusaders can be helpful, however. See A. Tuilier, "Byzance et la féodalité occidentale. Les vertus guerrières des premiers croisés d'après l'Alexiade d'Anne Comnène," *La guerre et la paix, frontières et violences au moyen-âge* (Paris, 1978), 35–50; D. Jacoby, "Knightly Values and Class Consciousness in the Crusader States of the Eastern Mediterranean," *Mediterranean Historical Review* 1 (1986), 158–86.

these relationships—some inherited from classical antiquity, such as *philos*, friend;⁵¹ some formed parallel to Western terms, such as *anthropos* (i.e., *homo*, the man);⁵² and finally some directly borrowed from the Western vocabulary—for instance *lizios*, a version of Latin *ligius* (i.e., vassal).⁵³

There is a substantial difference between the private and the quasi-feudal relationships in Byzantium. Private ownership, market economy, and individualistic attitudes were in Byzantium a legacy from the Roman past; some “private” elements decreased during the crisis of the late Roman city in the seventh century, some, contrariwise, strengthened; there are serious reasons to assume that the nuclear family began to play a greater part by the eighth century than it had in the late Roman Empire.⁵⁴ Byzantine feudalism is a different case; we are unaware when these quasi-feudal economic, social, and moral principles appeared in Byzantium—some scholars hypothesized that they were accounted for by the Crusades and other avenues of Western penetration into Byzantium.⁵⁵ These tendencies are, however, older than the First Crusade, and we can observe their incipient formation by *l'an mil* when powerful aristocratic lineages came to the fore. The problem is aggravated by the lack of a general definition of aristocracy: certainly, not every aristocracy is feudal, and it is necessary to demonstrate that Byzantine aristocracy of the year thousand had feudal features. Let us assume, however—indeed very conventionally—that medieval military and landed aristocracy that was consolidating in the tenth century was a feudal (or quasi-feudal) group. At any rate, it is quite plausible to surmise that Byzantine aristocracy of warriors was as ancient as the Western nobility; the noble family names emerge in the West and in the East almost simultaneously. It is paradoxical that many famous lineages (Komnenoi, Kontostephanoi, Batatzai, Gabrades, Diogenai, Tornikoi, Synadenoi, and others) originated dur-

⁵¹ Among others, Niketas Choniates uses the word *φύλος* to designate “vassals” (ed. van Dieten 200.84, 469.50, 613.18, and so on), and *φιλία* in his vocabulary, could mean fealty (p. 228.44) and more often alliance (p. 61.66, 613.58, and other cases).

⁵² V. A. Arutjunova, “К вопросу об *ἀνθρώποι* в Типике Григория Пакуряна,” *VizVrem* 29 (1968), 63–76; N. Oikonomides, “Οἱ αὐθένται τῶν Κορητικῶν τὸ 1118,” in *Pepragmena tou D' diethnous Kretologikou synedriou*, II (Athens, 1981), 313–17.

⁵³ Ja. Ferluga, “La ligesse dans l'Empire byzantin,” *ZRVI* 7 (1961), 97–123, reprinted in his *Byzantium on the Balkans* (Amsterdam, 1976), 399–425.

⁵⁴ The concept that family links became stronger in the 6th through 8th centuries, primarily under the influence of Christianity, was developed by H. Hunger, “Christliches und Nichtchristliches im byzantinischen Eherecht,” *Österreichisches Archiv für Kirchenrecht* 18 (1967), 305–25, reprinted in his *Byzantinische Grundlagenforschung* (London, 1973), pt. XI. W. C. Thompson, “Legal Reforms of the Iconoclastic Era: The Changing Economic Situation of the Family,” *Second Annual Byzantine Studies Conference* (Madison, Wis., 1976), 25, drew attention to the limitation of the power of the *paterfamilias* by the time of the *Ecloga*. D. Simon emphasized that the changes were occurring slowly rather than in the form of a radical reform—“Zur Ehegesetzgebung der Isaurier,” *Fontes Minores* 1 (Frankfurt, 1976), 35. See also K.-P. Matschke, “Bemerkungen zu den Mikro- und Makrostrukturen der spätbyzantinischen Gesellschaft,” *XVIIIth International Congress of Byzantine Studies. Major Papers* (Moscow, 1991), 155–61.

⁵⁵ Thus, G. Rouillard, *La vie rurale dans l'Empire byzantin* (Paris, 1953), 147, states directly that “les usages de la féodalité” were established in Byzantium by the conquerors-Crusaders. More complex was F. Dölger's position: he indicates that the economic development (the growth of the great landownership) was in Byzantium similar to that in the West but the political, economic, and social concepts acquired feudal shape in Byzantium under Western impact (F. Dölger, “Der Feudalismus in Byzanz,” *Vorträge und Forschungen* 5 [Lindau-Konstanz, 1960], 185 f).

ing the reign of Basil II (ca. 24 percent of all known military noble families), who is believed by the majority of scholars to be the archenemy of the landed aristocracy.⁵⁶

Thus it is probable that after the decline of the late Roman polis as well as all the institutions, social and economic forms, and cultural traditions linked to the polis, and before the formation of the new aristocracy of warriors and great landowners, Byzantium—like the West—knew a period when the small owners in the countryside, taxpayers and soldiers, were the leading force in society.⁵⁷ But unlike the West, the feudal forces in Byzantium remained weak, loose, and underdeveloped. They were curbed and curtailed by the third major phenomenon of Byzantine social structure—the state.

When we turn to the problem of the Byzantine state one point must be clarified from the very beginning: there is, probably, not a single scholar who would deny the exceptional role played by the state in the life of the Byzantine Empire. Everybody would delight in picturing scenes of the pompous court ceremonial or deplore the fate of honest patriarchs demoted by all-powerful *basileis*.⁵⁸ But as soon as we leave the stable floor of such external events and approach the material basis of imperial power we are in trouble: the vast majority of scholars reject any assumption that beneath this ceremonial and arbitrary imperial power lay a particular economic structure whose foundation was the state's supreme ownership, *dominium directum*, over the land tilled by the Byzantine population.⁵⁹ We just cannot imagine that the state's supreme ownership and private property could coincide and coexist without negating each other.

I tried hard to convince my opponents that the state's *dominium directum* did exist in Byzantium. My opponents prefer to speak of the state's sovereign rights to the individuals' land. Usually I am not stubborn as far as terminology is concerned—terminology is a question of convenience and convention, and we may agree to call the cat a mouse without changing its insidious nature. But in this case I would not take the bait; sovereignty is a right wielded by any state; what we need to emphasize, by image and by

⁵⁶On Byzantine aristocracy see A. Kazhdan, *Social'nyj sostav gosподstujuščego klassa Vizantii XI-XII vv.* (Moscow, 1974), with a French exposé by I. Sorlin, *TM* 6 (1976), 367–80. Ju. L. Bessmertnyj, in his review (*Istoriko-Filologičeskii Zhurnal* [1976], no. 2, 236–42), questions the methodology of my analysis. See also F. Winkelmann, *Quellenstudien zur herrschenden Klasse von Byzanz im 8. und 9. Jahrhundert* (Berlin, 1987). Recently, N. Oikonomides ("Tax Exemptions for the Secular Clergy under Basil II," in *Kathegetria: Essays presented to Joan Hussey for her 80th Birthday* [Camberlay, Surrey, 1988], 317–26) also questioned the traditional perception of Basil's policy. He wrote (p. 325 f): "Basil II, the emperor who most of all defended the centralized state and fought against large landownership by trying to limit the privileges of the aristocracy and the church, ended up by introducing (or tolerating) measures that in fact precipitated the feudalization of the empire."

⁵⁷The concept of the so-called pre-feudal period in Byzantium was suggested by M. Sjuzumov in "Problemy ikonoborčestva" (as in note 11), 55–57. On the social structure of Byzantium of these centuries (610–867) see also P. A. Yannopoulos, *La société profane dans l'Empire byzantin des VIIe, VIIIe et IXe siècles* (Louvain, 1975).

⁵⁸See a collection of articles in *Das byzantinische Herrscherbild*, ed. H. Hunger (Darmstadt, 1975), and esp. O. Treitinger, *Die oströmische Kaiser- und Reichsidee nach ihrer Gestaltung im höfischen Zeremoniell* (Jena, 1938; repr. Darmstadt, 1956). See also E. Patlagean, "Les provinciaux, les fonctionnaires et le souverain à Byzance aux Xe-XIIe siècles," in *L'histoire comparée de l'administration* (Munich-Zurich, 1980), 246–53, and J. A. S. Evans, "Byzantine Kingship: The Claim of Dynastic Right," *Ancient World* 18 (1988), 49–55.

⁵⁹See above, note 9. An important attempt to understand the role of the state in Byzantine economy is E. Patlagean, "'Economie paysanne' et 'féodalité byzantine,'" *Annales ESC* 6 (1975), 1371–96, reprinted in her *Structure sociale, famille, chrétienté à Byzance* (London, 1981), pt. III.

word, is the unique character of the attitude of the Byzantine state toward land, and some Byzantines, fortunately, not only endured this uniqueness but observed it and formulated it: in the tenth century, Symeon Metaphrastes, writing John Chrysostom's biography, exclaimed without hesitation that the Byzantines had "an evil habit" by which any land that the emperor entered could be proclaimed imperial property; the state could take it from the owner, compensating him with another parcel or with a "just price."⁶⁰ The evidence presented by Metaphrastes is valuable not only because it reveals how arbitrarily the state could intervene in private husbandry, but first and foremost since it demonstrates how some clever minds began to feel the impropriety of the "evil habit," its contradiction to "normal" forms of private property.

Thus every Byzantine landowner—the plain peasant, the quasi-feudal lord, the angelic community of monks or the bishopric—had over them the supreme owner, the state or its physical embodiment, the emperor. State ownership could be quite remote from a village of yokels lost in a tiny mountainous valley who toiled on the same soil for donkey's years bequeathing it to their children and their children's children, almost unaware of where Constantinople was located and who ruled there. Nevertheless, the state's supreme ownership materialized in some substantial ways. In the first place, the estate was conceived of in Byzantium not as the object of taxation but as the remuneration for payments and services; it means that in the eyes of the government, the levy was the basis and the land its derivative; in other words, the tax was imposed (on a village, individual, institution, and so on) and the land was measured out in accordance with the dues assessed. This principle had practical consequences: if during a tax revision the assessor discovered an incongruence between the revenue paid and the land possessed, the "excessive" land must be expropriated; on the other hand, neighbors summoned to pay taxes for the deserted allotments were granted rights to these allotments.⁶¹

Second, the well-being of the state was based on revenue collection.⁶² There was not a single state in medieval Europe whose economy was as state-oriented as it was in Byzantium. For many centuries, the majority of the population, both in the countryside and town, paid taxes directly to the treasury through fiscal officials; the ruling class was rewarded primarily by salary and presents from the treasury, and only gradually was this system partially replaced by grants of revenue quotas and later of estates. The treasury was rich, although its reserves fluctuated, reflecting the country's economic and political peaks and recessions. Only at the end of Byzantine history did the deep crisis of the state economy, aggravated by political crisis and the Ottoman invasion, lead to

⁶⁰ PG 114, col. 1156A.

⁶¹ The Treatise on Taxation describes the so-called equalization of land (ἰσάνωσις γῆς)—the redistribution of the land in accordance with the amount of the taxes paid (F. Dölger, *Beiträge zur Geschichte der byzantinischen Finanzverwaltung* [Leipzig-Berlin, 1927; repr. Hildesheim, 1960], 121 f); the division of a common property would be performed proportionally to the taxes (διὰ ποσοῦ τοῦ δημοσίου) paid by each party (*Peira* 37:2).

⁶² The classic study of Byzantine taxation is F. Dölger's book cited in note 61. See now W. Treadgold, *The Byzantine State Finances in the Eighth and Ninth Centuries* (New York, 1982), 51–61, and esp. N. Oikonomides, "De l'impôt de distribution à l'impôt de quotité à propos du premier cadastre byzantin," *ZRVI* 26 (1987), 9–19.

the bankruptcy of the treasury, the insolvency of the emperors, and the fall of the system.

Third, the state was entitled to manipulate both taxes and the land itself. The state regulated individual duties according to its volition—it could raise and lower charges. We hear complaints about ballooning levies during the reign of several emperors, for instance, Nikephoros II Phokas,⁶³ and, on the other hand, the fiscal office conferred upon individuals tax alleviations and tax privileges. Alleviations (the Byzantines used the term *kouphismos*, which had exactly the same etymology) were granted in the case of emergency and were of limited duration;⁶⁴ privileges or immunities (if we may use the word from the Western medieval terminology) were given to members of the ruling elite or to pious institutions and consisted either of a complete exemption or a lowering of the rate of taxation, so that a certain monastery, for example, was allowed to acquire more property than was accorded by the revenue assessed to it. These privileges or immunities originated from the person's valiance, the church's piety, or just from the corruption of the fiscal office. The Byzantine privilege or immunity, usually called *exkousseia*, encompassed, first of all, financial exemption and the prohibition of entering (Western *introitus*) the privileged estate; it referred to fiscal officials, primarily tax collectors of every kind, but rarely prevented the judges from wielding justice within the estate; the Western immunity was mainly juridical, its Byzantine counterpart, fiscal.⁶⁵

Another way of manipulating taxation was to levy farming taxes. Kekaumenos in the eleventh century strongly disapproved of this system, not because it created an additional burden for the population but because the farmer of state revenues took a personal responsibility and faced a jail term if he was unable to meet the agreed requirement.⁶⁶

Since the state or the emperor was considered the supreme owner of the whole territory of the empire, the state or emperor was entitled to confiscate private property. Neither the magnates nor the church institutions were exempt from foreclosure; the case of the magistros Eustathios Maleinos, who was hospitable to Emperor Basil II and who was deprived of all his estates⁶⁷ (I would like to recall the Byzantine "evil habit" that Basil II could exercise after having entered Maleinos' land), shows how the Byzantine emperor wielded his right to confiscation. Documents list various cases of lands either

⁶³ Skylitzes narrates (*Synopsis historiarum*, ed. I. Thurn [Berlin-New York, 1973], 274.47–48) that Nikephoros became hateful to his subjects due to the augmentation of taxes.

⁶⁴ The Treatise on Taxation (ed. F. Dölger [as in note 61], 119.19–30) describes *κουφισμός*. On various forms of tax alleviations see Litavrin, *Vizantijskoe obščestvo* [as in note 9], 206–14, and N. Oikonomides, "Das Verfalland im 10.-11. Jahrhundert: Verkauf und Besteuerung," *Fontes Minores*, 7 (1986), 161–68.

⁶⁵ The major article on the topic is Ostrogorsky's "Pour l'histoire de l'immunité" (cited in note 7), in which the author considered Byzantine *exkousseia* as almost identical with the Western *immunitas*; on the other hand, I tried to emphasize the distinction between these institutions—"Ekskussija i ekskussaty v Vizantii X-XII vv.," *Vizantijskie očerki* (Moscow, 1961), 186–216. See now also H. Melovski, "Einige Probleme der Exkousseia," *JÖB* 32.2 (1982), 361–68.

⁶⁶ Kekaumenos (*Sovety i rasskazy Kekaumena*, ed. G. Litavrin [Moscow, 1972], 196) tells the story of a relative of his, John Maios by name, who farmed the *episkepsis* Arrabisos but turned out to be unable to collect 60 litrae that he was obliged to provide; he remained in jail until his death.

⁶⁷ Skylitzes, ed. I. Thurn, 340.88–95.

confiscated or forcibly exchanged by the state.⁶⁸ More complicated were the state's attempts to get hold of ecclesiastical gold reserves stocked in the form of liturgical vessels. The liturgical vessels belonged to God even more than the church land; canon law unequivocally prohibited their seizure.⁶⁹ But in the case of emergency, under Herakleios in the seventh century and under Alexios I in the late eleventh century,⁷⁰ the state compelled the church to give up its riches; it is possible that the iconoclast rulers, Leo III and Constantine V, exercised a similar policy toward monastic wealth.⁷¹

The state's intervention in private business was not limited to the sphere of land, taxes, and liturgical vessels. It included a broad range of economic activities, of which we usually obtain but patchy data.

It was the state (and not the petty feudal lords) which controlled, via customs, the trade activity.⁷² Time and again the state rejuvenated trade monopolies: the eleventh-century *phoundax* at Rhaedesto, where the local grain growers were obliged to bring their crop, is a striking example of monopoly dealing with stock product.⁷³ The trade of weaponry, silk, and wine was more or less controlled by the state. To some extent the state controlled craftsmanship.⁷⁴ Certain industries were organized and directed by state officials: building activity (fortifications, churches, aqueducts, and so on), ship-building, mining, minting, production of special types of jewelry and purple silk. Prob-

⁶⁸The right of confiscation in Byzantium deserves a special study. G. Monks ("The Administration of the Privy Purse," *Speculum* 32 [1957], 755–63), dealing with the data from the late Roman Empire, considered the cases of confiscation as corruption perpetrated by the advocates of the fisc, whereas I tried to demonstrate that in Byzantium it was a part of the regular practice (Kazhdan, *Social'nyj sostav* [as in note 56], 230–33). Litavrin (*Vizantijskoe obščestvo* [as in note 9], 23 f) rejects, however, my argumentation.

⁶⁹Byzantine theologians stressed not only the relation between the image and the prototype (a common position elaborated during the iconoclastic disputes) but also between the material of the image and the represented prototype—see P. Stephanou, "La doctrine de Léon de Chalcédoine et de ses adversaires sur les images," *OCP* 112 (1946), 177–99.

⁷⁰Herakleios received the "loan" from the church that included lamps of Saint Sophia and other vessels (Theophanes, *Chronographia*, ed. C. de Boor, 2 vols. [Leipzig 1883–85; repr. Hildesheim, 1963], 303.1–2); this transaction ran peacefully owing to the support of the patriarch Sergios (A. Stratos, *Byzantium in the Seventh Century*, I [Amsterdam, 1968], 126 f; J. L. van Dieten, *Geschichte der Patriarchen von Sergios I. bis Johannes VI.* [Amsterdam, 1972], 10 f), whereas Alexios I's attempt to use ecclesiastical vessels for the defense of the empire against the Normans came across the resistance of Leo of Chalcedon and other church leaders—see A. Glabinas, 'Η ἐπὶ Ἀλεξίου Κομνηνοῦ (1081–1118) περὶ ἱερῶν σκευῶν, κειμηλίων καὶ ἀγίων εἰκόνων ἐρῶς (1081–1095) (Thessalonike, 1972).

⁷¹The hypothesis was launched by Sjuzjumov, "Problemy ikonoborčestva" (as in note 11), 101–5.

⁷²The problem of Byzantine "étatisme" has been hotly discussed in the first half of this century; some scholars, esp. J. Nicole and A. Stöckle, described this étatisme as a negative factor that caused the decline of Byzantine trade and craftsmanship; on the other hand, A. Andreades, G. Mickwitz, and R. S. Lopez interpreted the state's economic intervention as a positive phenomenon advantageous for the commercial development—see among others, G. Mickwitz, *Die Kartellfunktionen der Zünfte und ihre Bedeutung bei der Entstehung des Zunftwesens* (Helsingfors, 1936), 207 f. Nobody doubted that the state had had control over the trade activity.

⁷³Attaleiates, *Historia*, Bonn ed. (1853), 202 f.

⁷⁴R. S. Lopez ("Silk Industry in the Byzantine Empire," *Speculum* 20 [1945], 13 f, reprinted in his *Byzantium and the World around It* [London, 1978], pt. III) thought that the state monopoly of the silk production disappeared after Justinian I and was replaced by the system of "private guilds." The latter unquestionably existed but (a) side by side with them worked state workshops, and (b) the private guilds stood under the check and control of state officials. The Continuator of Skylitzes (ed. Eu. Th. Tsolakes [Thessalonike, 1968], 103.7–8) conveys that Isaac I Komnenos appointed many elders (lit. "care-takers," φροντιστάς) of the state guilds; they evidently existed in the eleventh century.

ably there were state manufactures where the labor of war prisoners and criminals was exploited, but mostly the state distributed orders so that a theme was commanded to supply a prescribed amount of weaponry, or leather workers were sent to do the job for the state. The working process remained individual but its direction was in the hands of bureaucrats. Even those ateliers that were not directly involved in the state orders stood under control of the administration, at least in Constantinople of the tenth century when the so-called *Book of the Eparch* was compiled,⁷⁵ probably under Leo VI: the eparch of the capital and his staff were entitled to control the quality and the price of the product as well as conditions in the workshops; a special institution of the *bothroi*, market inspectors, supervised the trade of cattle and sheep.

At the very threshold of Byzantine history, Emperor Diocletian issued an edict regulating the prices of a great variety of manufactured goods throughout the empire.⁷⁶ Many studies have appeared showing that Diocletian's regulation was a failure and the real marketing was different from the edict's prescription. This is probably true, but the elements of the free price fluctuation do not annihilate the principle reflected in Diocletian's edict and later in the *Book of the Eparch*: the state considered itself capable of controlling the market. The idea of the just price on land that permeates tenth-century agrarian legislation belonged to the same system of economic views—the state attempted to limit the excessive raising of prices due to economic predicament or the economic and political pressure of the powerful over his weaker neighbors.

The Byzantine economy was very complex. Its substructure was based on private ownership and private enterprise, the nuclear family forming the main economic unit. We have no statistical data but it is plausible that the role of the nuclear family increased after the fall of the late Roman Empire. There were multiple forms of communal rights, but they rarely encompassed the factual process of production: they assumed the shape of neighbors' rights and obligations, or were structured as collective rights to water, forest, or pasture; finally, they appear as *societates*, loose and temporary societies for trade purposes.⁷⁷ The guilds and fraternities known from various sources fulfilled administrative and ceremonial rather than economic functions.⁷⁸

Nevertheless, Byzantium was not a society of free private owners and producers. The state's *dominium directum* was built up over the system of private households, and the state's control over trade was active, if not always beneficial. The state's economic superstructure was a phenomenon well known in the late Roman Empire, and it remained strong at least through the twelfth century. The state's economic superstructure did not contradict private enterprise but smoothly coexisted with it, and their collabo-

⁷⁵ The best edition is by M. Sjuzjumov, *Vizantijskaja kniga eparcha* (Moscow, 1962), with Russian translation and a thorough commentary. On the *bothroi* see now J. Koder, "Wer ndern eine Grube gräbt . . .," in *Fest und Alltag in Byzanz* (Munich, 1990), 71–76.

⁷⁶ M. Giaccherio, *Edictum Diocletiani et collegarum de pretiis rerum venalium*, 2 vols. (Genoa, 1974). See idem, "Il modo della produzione e del lavoro nell'edictum de pretiis," in *Studi in onore di A. Biscardi*, VI (Milan, 1987), 121–32.

⁷⁷ N. Oikonomidès, *Hommes d'affaire grecs et latins à Constantinople* (Montreal, 1979), 68–83; M. Ja. Sjuzjumov, "Ekonomičeskie vozzrenija L'va VI," *VizVrem* 15 (1959), 41 f.

⁷⁸ On fraternities see J. Nesbitt and J. Wiita, "A Confraternity of the Comnenian Era," *BZ* 68 (1975), 360–84; O. Horden, "The Confraternities of Byzantium," in W. J. Sheils and D. Wood, *Voluntary Religion* (Oxford, 1986), 25–45.

ration was, for a certain period, the cornerstone of Byzantine economic predominance in medieval Europe.

Like the Greco-Roman municipal organization that died out by the seventh century in the East and even earlier in the West, the state-organized private economy of Byzantium had its limitations. In the twelfth century Byzantium was wealthy, flourishing, and civilized, but the “wild” West was active. Byzantium opened the path for two major elements that determined Western development—new urbanistic and feudal organization—but neither turned out to develop properly: no Byzantine town achieved communal independence and no feudal army evolved; Komnenian “perestroika” was stifled by Andronikos I and the efforts of John III Batatzes by the Palaiologan “grand idea.” Byzantine feudalism came too late when it could do too little, and the ephemeral success under the Komnenoi and Laskarids gave way to the tragic disintegration of the country during the Palaiologan centuries.

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